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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,492	11/26/2001	Hong M. Dang	100111622-2	3187

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EXAMINER	
KRAMER, JAMES A	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/995,492	DANG ET AL.	
	Examiner	Art Unit	
	James A. Kramer	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/05 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19-22 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Chopra.

With respect to **claim 19**, Sullivan teaches a plurality of servers for providing web-based tax service that allows merchant subscribers to accumulate tax information (see example page 1 paragraph 0005 and page 15, paragraphs 0130-0131).

Examiner notes that paragraph 5 teaches providing web-based tax service that allows merchant subscribers to accumulate tax information.

Further paragraphs 0130-0131 teach the plurality of servers for carrying out the "tax service." Specifically, the reference states, "the computer system . . . may include multiple computers connected over a computer network." The reference further states, "the plurality of computers or devices may be interconnected by a communications network, such as a public switched telephone network or other circuit switched network, or a packet switched network or other circuit switched network, or a packet switched network such as an Internet protocol (IP) network. The network may be wired or wireless, and may be public or private." Examiner asserts that in order for the multiple computers to be interconnected by an IP network as taught by Sullivan; each computer **must** be a server.

With further respect to **claim 19**, Sullivan does not specifically teach means for providing security for information on the servers and information between the servers. Chopra teaches a high-speed rule processing apparatus that may be used to implement a wide variety of rule processing tasks such as firewall protection (see for example column 2, lines 23-34 and column 4, lines 25-45). Examiner notes that this represents Applicant's means for providing security. Examiner further asserts that one of ordinary skill in the art at the time of the invention would recognize that such a security means is necessary when sending sensitive tax related information over a public network.

As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sullivan to include a rule processing apparatus with fire wall (means for providing security) as taught by Chopra when transmitting data between the multiple computers over a public network (between servers) of Sullivan. One of ordinary skill in

the art at the time of the invention would have been motivated to make such a modification in order to secure the sensitive tax related information sent over a public network of Sullivan.

With respect to **claim 20**, Sullivan teaches wherein the web-based tax service further includes tax identification, tax computation, tax collection, tax remittance and tax reporting for audit servers (page 1, paragraphs 0005-0007).

With respect to **claim 21**, Sullivan does not teach a managed firewall for preventing unwanted data from being entered into the system while data is being transmitted between subscribers and the servers. As discussed with respect to claim 19, Chopra teaches a high-speed rule processing apparatus that may be used to implement a wide variety of rule processing tasks such as firewall protection (see for example column 2, lines 23-34 and column 4, lines 25-45). Specifically, Chopra states, "the Internet gateway 130 processes packets with a set of firewall security rules that screen out packets related to unauthorized actions." Examiner notes that this represents "preventing unwanted data from being entered into the system while data is being transmitted between the subscribers and the servers.

It would have been obvious to one of ordinary skill at the time of the invention to modify the teachings of Sullivan to include firewall protection as taught by Chopra. One of ordinary skill in the art would have been motivated to combine these references in order to screen out packets related to unauthorized actions (Chopra column 4, lines 25-28).

With respect to **claim 22**, Sullivan does not teach means for providing balancing and scalability of the servers. Chopra teaches a high-speed rule processing apparatus that may be used to implement a wide variety of rule processing tasks including load balancing (see for example column 2, lines 23-34 and column 5, lines 10-16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sullivan to include a load balancing feature as taught by Chopra. One of ordinary skill in the art at the time of the invention would have been motivated to modify the references in order to provide the most efficient service.

With respect to **claim 25**, Examiner notes that the limitations are substantially similar to those of claim 21 and therefore Examiner references the analysis of claim 21.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Chopra as applied to claim 19 above, and further in view of Official Notice.

The combination of Sullivan in view of Chopra teaches wherein the security means includes a tiered architecture. Examiner references the analysis of claim 19 above and notes that the firewall of Chopra represents a separate security tier.

However, the combination of Sullivan in view of Chopra does not specifically teach PKI 2-way authentication and authorization, HTTPS post with XML document and SSH for remote administration. Examiner takes Official Notice that PKI 2-way authentication and authorization, HTTPS post with XML document and SSH for remote administration are old and well known means for providing security for interaction with a server. Further one of ordinary skill in the art

would recognize that these means for providing security introduces a degree of confidence associated with sensitive information stored on servers over public networks.

It would have been obvious to one of ordinary skill in the art at the time of the present invention to modify the teachings of Sullivan to includes a means for protection including PKI 2-way authentication and authorization, HTTPS post with XML document and SSH for remote administration as is old and well known in the art. One of ordinary skill in the art would be motivated to modify the references in order to introduce a degree of confidence to the sensitive tax data stored on the public servers of Sullivan.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Chopra as applied to claim 19 above, and further in view of "Checking Your Server's Heartbeat" by Harry Breisford (hereinafter Breisford).

The combination of Sullivan in view of Chopra, as discussed in detail above with respect to claim 19, does not teach a means for recording the disk usage, access logging and heart beat monitoring.

Breisford teaches a system monitor feature which allows an administrator to check a systems heartbeat, including logs, reports, alerts and charts (see page 1, line 15). Breidford further teaches these tools are used to take preventative care of a server (see page 6, line 14-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Sullivan to include a means for recording the disk usage, access logging and heart beat monitoring as taught by Breisford in order to take preventative care of the servers of Sullivan.

Response to Arguments

Applicant's arguments, see Amendment, filed 11/21/05, with respect to claims 23 and 24 have been fully considered and are persuasive. The rejection under 35 USC 112 first paragraph of claims 23 and 24 has been withdrawn.

Examiner notes that Applicant's cited passages from the Specification in support of both PKI 2-way authentication and heart beat monitoring are accepted. However as the passages (e.g. paragraphs 0009, 0055, 0061 for heartbeat monitoring and 0017, 0083 and 0084 for PKI 2-way authentication) fail to include a specific definition of either term, Examiner is left to apply the broadest reasonable interpretation to these terms.

Applicant's arguments with respect to claims 19-25 as rejection under 35 USC 102/103 have been considered but are moot in view of the new ground(s) of rejection. However, Examiner would still like to address Applicant's assertion that Sullivan does not teach or suggest that the different tax liability functions are performed by different servers. Examiner respectfully disagrees with this statement.

As noted in the rejection above, Sullivan specifically states on page 15, paragraphs 0130-0131 that "the computer system . . . may include multiple computers connected over a computer network." The reference further states, "the plurality of computers or devices may be interconnected by a communications network, such as a public switched telephone network or other circuit switched network, or a packet switched network or other circuit switched network, or a packet switched network such as an Internet protocol (IP) network. The network may be

wired or wireless, and may be public or private." Examiner asserts that in order for the multiple computers to be interconnected by an IP network as taught by Sullivan; each computer **must** be a server.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Ask Espresso Man" by Ron Kleinman teaches HTTPS posts with XML documents.

www.mesagroup.com/html/telnet_ssh.html teaches SSH for remote administration.

"The Re-Invention of Public Key Infrastructure" by Roger Clarke teaches PKI 2-way authentication and authorization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/27/06

James A. Kramer
Examiner
Art Unit 3627

JAK